

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CLAUDIO D. & DALINDA ANDRADE,	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 3:14-CV-3969-K
	§	
COUNTRYWIDE KB HOME LOANS,	§	
MORTGAGE ELECTRONIC	§	
REGISTRATION SERVICES, INC.;	§	
G. TOMMY BASTIAN, et al.,	§	
RECONTRUST COMPANY, NA, BANK	§	
OF AMERICA, NA, COUNTRYWIDE	§	
HOME LOANS, INC., THE BANK OF	§	
NEW YORK MELLON, COLFIN AI-TX	§	
1, LLC, and DOES 1-X,	§	
Defendants.	§	Referred to U.S. Magistrate Judge

**RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Pursuant to *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.

Before the Court is the plaintiffs' motion to proceed in forma pauperis on appeal, received April 4, 2016 (doc. 42).

(X) The motion for leave to proceed *in forma pauperis* on appeal should be DENIED for the following reasons:

(X) Plaintiffs are not paupers. A review of the financial information provided by plaintiffs shows a total monthly income of \$7,524.00 and total monthly expenses of approximately \$6,205.00. Given this financial information showing monthly income exceeding monthly expenses by \$1,319.00, the Court should conclude that plaintiffs will not suffer undue financial hardship after payment of the \$505.00 filing fee. *See Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988).

If the Court denies the request to proceed *in forma pauperis* on appeal, plaintiffs may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). *See* Fed. R. App. P. 24(a)(5).

SIGNED this 6th day of April, 2016.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE